

REMARKS/ARGUMENTS

Claims 1-4, 7-11 and 14-21 and 38 are pending in this application. Claims 5, 6, 12, 13 and 22-37 were previously canceled. Independent claims 1, 8, 17 and 38, and dependent claims 9-11 and 18-19 have been amended. Applicant respectfully requests reconsideration in view of the following remarks.

Rejection of Claims 1-4 and 7 under 35 U.S.C. §112

The Examiner has rejected claims 1-4 and 7 under 35 USC §112, second paragraph, for omitting in Claim 1 (on which claims 2-4 and 7 are dependent) the step of sending the modified request from the vendor computer system to the merchant computer system. In response, Applicant has amended Claim 1 to add the omitted step. Accordingly, Applicant respectfully requests withdrawal of the §112 rejection of claims 1-4 and 7.

Rejection of Claims 18-21 under 35 U.S.C. §112

The Examiner has rejected claims 18-21 under 35 USC §112, second paragraph, for omitting in Claim 18 (on which claims 19-21 are dependent) the step of sending the modified vendor request from the vendor computer system to the merchant computer system. Applicant respectfully disagrees that the “sending” step is omitted. Immediately following the “modifying” step cited by the Examiner, claim 18, as amended recites:

“transmitting said vendor request from said vendor server to said merchant server;”

Accordingly, Applicant respectfully requests withdrawal of the §112 rejection of claims 18-21.

Rejection of Claims 1-4, 8-11, 15-21 and 38 Based on 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4, 8-11, 15-21, and 38 under 35 USC §103(a) as being unpatentable over U.S. Patent 6,263,317 (“Sharp”) in view of U.S. Patent 6,141,666 (“Tobin”).

Applicant respectfully submits that the pending claims are allowable because Sharp and Tobin standing alone or in combination do not teach, suggest, or anticipate the invention as claimed.

Sharp teaches an order allocation scheme by means of which orders taken on an e-commerce website from customers for products produced by manufacturers are allocated to various distributors based on a distribution channel conflict resolution scheme provided by the manufacturers. For example, if a customer located in Cleveland, Ohio orders a Maytag washer on the website, the order is forwarded to Maytag’s distributor for Cleveland for fulfillment. There is no teaching or suggestion in Sharp that the e-commerce website modifies web pages of a distributor or manufacturer into web pages of the e-commerce website and presents those modified web pages to a client.

The Examiner recognizes that “Sharp does not explicitly disclose modifying responses.” The Examiner asserts, however, that Tobin teaches modifying web pages of a

merchant into web pages of a vendor, as claimed, and that it would be obvious for one of skill in the art at the time the invention was made to combine the teachings of Sharp and Tobin, thereby obtaining the claimed invention. Applicant respectfully disagrees that the combination of Sharp with Tobin results in the claimed invention or otherwise renders the claimed invention obvious.

Tobin does not teach modifying web pages of a merchant system by a vendor system into web pages of a vendor system as claimed in the claims, as amended. Tobin teaches a system in which a vendor website contains links to a merchant system. When a client selects a link from a vendor website (e.g., "homearts.com") to a merchant's website (e.g., "pcflowers.com"), the merchant server dynamically generates customized copies of its own web pages and presents them to a client as if the merchant web pages were web pages of the vendor. See, e.g. column 10, lines 8-26). The web pages presented to the client are not existing merchant web pages that are modified or converted by a vendor computer as in the claimed invention, and then sent in modified form from the vendor computer system to a client. Instead, the web pages in the system of Tobin are dynamically created by the merchant computer system in their customized form and sent from the merchant computer system directly to the client.

Further, in Tobin, the purchase transactions take place directly between the client and the merchant. This is the opposite of the claimed invention, in which purchase transactions take place directly between the client and the vendor, and only indirectly (i.e. via the vendor) between the client and the merchant. Accordingly, combining Tobin with

Sharp would not result in the claimed invention of a vendor computer system that directly interacts with clients, that modifies web pages of a merchant system into its own vendor web pages, and transmits those modified web pages to clients.

Applicant responds to specific statements by the Examiner concerning Tobin below.

Independent Claims 1, 8, 17 and 38

With respect to independent claims 1, 8, 17 and 38, the Examiner states:

[Tobin discloses] Modifying said first request into a modified request from said vendor computer system to said merchant computer system (Tobin: column 17, “. . . server means for presenting said HTML documents responsive to requests received by said server means across a network to said client as Web site documents which are at least partially customized in response to an identity of a source which referred said client to said network server . . .”);

Applicant responds:

Claim 1 claims a method for providing secure, indirect e-commerce transactions in which a request from a client regarding an item listed by a merchant is modified at the vendor system into a modified request from the vendor system to the merchant system.

Specifically, the relevant portion of Claim 1 (as amended) states:

receiving at said vendor computer system a first request from a client computer system concerning an item listed on a first of said merchant computer systems;

modifying at said vendor computer system said first request from said client computer system to said vendor computer system into a modified request from said vendor computer system to said merchant computer system;

sending said modified request from said vendor computer system to said merchant computer system; (Emphasis added).

Unlike the claimed invention, Tobin does not teach a vendor computer system modifying a request received from a client into a request from the vendor computer system to the merchant system, so that the merchant system interacts only with the vendor system, not with the client. Instead, Tobin teaches the merchant system receiving the client's request directly, via a link on the vendor web page, and the merchant system responding directly to the client, with a customized web page. Accordingly, Because neither Sharp nor Tobin teach the claimed modifying of a request from a client to the vendor at the vendor system into a request from the vendor to the merchant, their combination cannot teach that modifying step either.

The Examiner further states:

[Tobin discloses] Receiving at said vendor computer system from said first merchant computer system a first response to said modified request; said first response comprising a merchant web page comprising one or more hyper-text links (Tobin: Fig. 23)

Applicant responds:

The web page shown in Fig. 23 is not sent by the merchant computer system to the vendor computer system, but is sent by the merchant directly to the client. In Tobin, the vendor computer system, other than furnishing the initial link to the merchant web site, thereafter does not participate in the sending and receiving of web pages between the merchant and the client: instead, the merchant sends the dynamically created, customized web pages directly to the client. Accordingly, Tobin does not teach the receiving at a

vendor computer system a merchant web page in response to a modified request from the vendor computer system to the merchant computer system, as claimed. Accordingly, Tobin in combination with Sharp cannot teach that claim element either.

The Examiner further states:

[Tobin discloses] Modifying said first response at said vendor computer system into a modified response from said vendor computer system to said client computer system (Tobin: Fig. 23)

Applicant responds:

The Examiner cites the web page shown in Fig. 23 of Tobin as being both the merchant web page received by the vendor computer system and the modified web page created by the vendor computer system set forth in the claims of the present application. Applicant respectfully submits that Fig. 23, which is a single web page, cannot at the same time be the claimed merchant web page received by the vendor computer system and the claimed modified web page created by the vendor computer system and sent to the client. In fact, it is neither. As discussed above, the web page shown in Fig. 23 is a dynamically generated, customized web page created by the merchant computer system and sent directly to the client. The vendor computer system neither receives nor modifies that dynamically created, customized web page. Accordingly, Tobin does not teach modifying at a vendor computer system a web page received from a merchant system, and sending the modified web page to a client, as claimed. Accordingly, Tobin in combination with Sharp cannot teach that claim element either.

The Examiner further states:

[Tobin discloses] Wherein said modifying said first response into said modified response comprises:

Modifying said one or more hyper-text links in said first response to redirect said one or more hyper-text links to said vendor computer system (Tobin: column 6, lines 55-67, "The graphic link 102 provides a jump to a Web site page detailing gift suggestions while links 103 to 106 provide jumps to Web site pages detailing specific gift offerings. Essentially these links 103 to 106 are anchored to database server files which are called up by the server to form Web site pages that are customized to the requirements of any participating Internet site."); and

Reframing said merchant web page as a web page of said vendor computer system (Tobin: Fig. 23, "HomeArts Flowers & Gifts); and

Wherein said transmitting said transaction information comprise transmitting said web page of said vendor computer system to said client computer system. (Tobin: Fig. 23, "HomeArts Flowers & Gifts); (Emphasis in original).

Applicant responds:

As discussed above, the web page shown in Fig. 23 of Tobin is a web page dynamically generated by the merchant computer and sent directly to the client. That page is not received by the vendor computer system, is not modified by the vendor computer system, is not reissued by the vendor computer system as a web page of the vendor computer system, and is not transmitted by the vendor computer system to the client, as claimed in the independent claims of the present application, as amended. Applicant also notes that the portion of Tobin cited by the Examiner (column 6, lines 55-67) relates to the merchant computer system creating its own web pages, not web pages for or related to a vendor computer system. Accordingly, Tobin does not teach modifying at a vendor computer system a web page received from a merchant system, and sending to

a client, as claimed. Accordingly, Tobin in combination with Sharp cannot teach that claim element either.

For the reasons discussed above, Applicant respectfully submits that Sharp in combination with Tobin does not teach the invention claimed in independent claims 1, 8, 17 and 38, as amended. Accordingly, Applicant respectfully requests that independent claims 1, 8, 17 and 38, as amended, be allowed.

Dependent Claims 2-4, 7, 9-11, 14-16, and 18-21

Applicant respectfully submits that claims 2-4, 7, 9-11, 14-16, and 18-21, being dependent upon allowable base claims, are themselves allowable for at least the foregoing reasons provided with respect to independent claims 1, 8, 17 and 38 above. Accordingly, Applicant respectfully requests that dependent claims 2-4, 7, 9-11, 14-16, and 18-21 be allowed.

Examiner Interview

Applicant thanks the Examiner for the telephonic examiner interview held on May 8, 2007. During the interview, Applicant discussed the differences between the cited prior art references and the invention as set forth in the amended claims. The Examiner indicated that because the pending Office Action is final, he would not be able to enter the amendment. Accordingly, Applicant is filing a Request for Continued Examination together with this amendment and response.

Request for Continued Examination

Together with this amendment and response, Applicant is filing a Request for Continued Examination.

Request for Extension of Time

Together with this amendment and response, Applicant is filing a request for a one-month extension of time to respond.

Conclusion

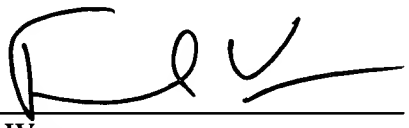
For at least the foregoing reasons, Applicant believes that pending claims 1-4, 7-11, 14-21 and 38 are allowable. Applicant respectfully requests that claims 1-4, 7-11, 14-21 and 38 be allowed..

Respectfully submitted,

THE HECKER LAW GROUP

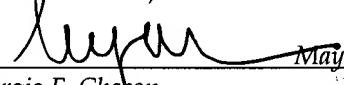
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